L/Kpl Naraayanan Nair a/l Subramaniam v Kerajaan Malaysia & Ors

HIGH COURT (IPOH) — SUIT NO AA-21NCVC-5–01 OF 2021
MOSES SUSAYAN JC
9 JANUARY 2025

Damages — Assessment — Negligence — Negligence resulting in amputation — Whether plaintiff entitled to general damages of pain and suffering, and loss of amenities of life — Whether plaintiff entitled to aggravated damages based on unique factors established — Whether plaintiff's claim for special damages was reasonable and supported by credible testimony — Whether claim for future medical expenses established — Whether costs and interest ought to be awarded — Evidence Act 1950 s 3

The plaintiff had filed the present medical negligence action against the defendants in relation to a severe injury suffered by the plaintiff which resulted in the amputation of his left arm. The injury was sustained during an incident on 13 March 2018. On 14 October 2021, liability was admitted by the Government of Malaysia ('the first defendant') and the plaintiff subsequently discontinued his action against all other defendants. In the present action, the plaintiff sought compensation under various heads including: (a) general damages — pain and suffering and loss of amenities of life; (b) aggravated damages; (c) special damages: (i) hospital and medical expenses; (ii) travelling and accommodation expenses; (iii) value of care by family members; (iv) cost of vitamins, nutritional supplements, and extra-nourishing food; (v) cost of medical equipment and supplies; (vi) deposit and instalments payments of Perodua Myvi vehicle — it was argued that the vehicle was essential for mobility post-amputation; (vii) laundrette charges; (viii) cost of obtaining a medical report; and (ix) cost of obtaining pre-action discovery of medical record; (d) pre-trial damages — pre-trial instalment payments for the vehicle; (e) future general damages: (A) prosthesis; (B) future medical and therapy needs; (C) orthotics, vehicle modifications, one-handed aids, and home equipment; (D) cost of hiring part-time and full-time maids; (f) costs — getting-up fee for liability and quantum proceedings, and out-of-pocket expenses incurred during the litigation; and (g) interest.

Held:

(1) For the claim of pain and suffering, and loss of amenities of life, considering the case precedents involving upper limb amputations, such as *Noorasmawati bt Abu Othman v Kerajaan Malaysia & Ors* [2021] MLJU 2439, and *Hasniyati bt Hassan & Anor v Kerajaan Malaysia*

[2022] 10 MLJ 469, a sum of RM150,000 was reasonable and fair. This was because the plaintiff was young (24 years old at the time of the incident) with a promising career in the police force, suffered ongoing severe pain and emotional trauma, and experienced additional surgeries. The first defendant's proposed sum of RM100,000 did not adequately account for the plaintiff's continued suffering, loss of lifestyle, and the lasting impact on his physical and mental health. Awarding RM150,000 aligned with the principles in the cited cases, recognising the severity and lifelong consequences of the plaintiff's injuries while being proportionate and reasonable (see paras 6–7).

(2) In relation to the claim for aggravated damages, the court found that the sum of RM200,000 was reasonable given the unique factors in the present case. The plaintiff endured a compounded sense of suffering due to the negligent actions and omissions of the defendants. This award would serve not only to compensate the plaintiff for the intangible injuries he suffered but also to acknowledge the impact of the defendants' conduct on his dignity and mental health. In light of *Sambaga Valli a/p KR Ponnusamy v Datuk Bandar Kuala Lumpur & Ors and another appeal* [2018] 1 MLJ 784, and *Dr Hari Krishnan & Anor v Megat Noor Ishak bin Megat Ibrahim & Anor and another appeal* [2018] 3 MLJ 281, the plaintiff's experience aligned with scenarios where courts had found it just to award aggravated damages. Therefore, the proposed sum of RM200,000 was justified, as it appropriately reflected the seriousness of the defendants' actions and their consequences on the plaintiff's life (see para 11).

(3) The principles of special damages required the plaintiff to prove actual pecuniary loss incurred due to the defendants' actions but the plaintiff was not expected to keep detailed records of every expense. Both documentary and oral evidence could be used to substantiate these claims, as outlined in s 3 of the Evidence Act 1950. Reasonableness was also important in assessing the amounts claimed. For instance, expenses such as travel costs, medical supplies, or care provided by family members could be awarded based on credible testimony alone if the sums claimed were within reasonable limits. The first defendant's mere objection based on the lack of receipts, without questioning the credibility of the plaintiff's testimony, was insufficient to disallow a claim for special damages. Hence, as long as the plaintiff provided credible evidence, the claim should be awarded in full. Based on the credible evidence which was established, the amount awarded by the court for special damages were as followed: (a) hospital and medical expenses — RM1,185; (b) travelling and accommodation expenses — RM3,000; (c) value of care by family members — RM6,000; (d) cost of vitamins, nutritional supplements, and extra-nourishing food — RM1,000; (e) cost of medical equipment and supplies — RM581; (f) deposit and instalment

payments for Perodua MyVi vehicle — RM8,090.70; (g) laundrette charges — RM400; (h) cost of obtaining medical reports — RM164.80; and (i) costs of obtaining pre-action discovery of medical records — RM6,459.50 (see paras 12–22).

(4) In relation to pre-trial damages, the court found that the plaintiff's evidence showed that the car was essential to accommodate his disability. Thus, the sum for the vehicle's pre-trial instalment payments should be reasonably awarded based on the plaintiff's needs. By reference to the hire purchase agreement, the plaintiff ought to pay 108 instalments of RM611 per month, as such, a round figure of RM24,000 should be awarded based on this necessity (see paras 23–24).

(5) Future damages such as costs for medical care, therapies, aid devices, and prothesis were based on a balance of probabilities but did not require the plaintiff to prove certainty of future loss, a substantial chance or possibility was sufficient. The courts focused on reasonableness, considering both public and private treatment rates. Courts were not bound to limit damages to government-provided healthcare; the plaintiff was entitled to opt for private treatment. In awarding future damages, the courts also considered life expectancy and applied a discount rate to avoid overcompensation, considering factors such as inflation and the plaintiff's ability to invest the lump-sum payment. A lower discount rate (eg, 15%) was recommended in cases with a long-life expectancy, considering prevailing economic conditions. Considering the above, the award granted by the court for future damages were as followed: (a) prosthesis limb (mechanical) — RM180,000; (b) prosthesis limb (myoelectric) — RM1,787,700; (c) future medical and therapy needs — RM10,000; and (d) orthotics, vehicle modifications, one-handed aids, and home equipment — RM5,000. In relation to the claim for cost of hiring maids, the court found that this claim was not reasonable due to the lack of detailed evidence specifying the maid's tasks solely for the plaintiff's benefits (see paras 25–27, 42, 44, 46 & 48).

(6) After considering the submissions from both parties and the court's discretion to determine costs without needing a detailed assessment, which could save time and resources, the court awarded costs in the amount of RM70,000. In relation to the claim for interest, after considering the submissions and established principles, the court was of the view that it was just to award interest at the following rates: 4%pa on special damages from 13 March 2018 to judgment, 8%pa on general and aggravated damages from the writ's service date to judgment, and 5%pa on the judgment sum until full payment. Allocator fee was not payable (see paras 50–51).

[Bahasa Malaysia summary

Plaintif telah memfailkan tindakan kecuaian perubatan semasa terhadap defendan-defendan berhubung kecederaan parah yang dialami oleh plaintif yang mengakibatkan lengan kirinya dipotong. Kecederaan tersebut dialami semasa kejadian yang berlaku pada 13 Mac 2018. Pada 14 Oktober 2021, liabiliti telah diakui oleh Kerajaan Malaysia ('defendan pertama') dan plaintif kemudiannya menghentikan tindakannya terhadap semua defendan yang lain. Dalam tindakan semasa, plaintif memohon pampasan di bawah pelbagai ketegori termasuk: (a) ganti rugi am — kesakitan dan penderitaan dan kehilangan kemudahan hidup; (b) ganti rugi teruk; (c) ganti rugi khas: (i) perbelanjaan hospital dan perubatan; (ii) perbelanjaan perjalanan dan penginapan; (iii) nilai penjagaan oleh ahli keluarga; (iv) kos vitamin, suplemen pemakanan, dan makanan berkhasiat tambahan; (v) kos peralatan dan bekalan perubatan; (vi) bayaran deposit dan ansuran kenderaan Perodua Myvi — dihujahkan bahawa kenderaan tersebut penting untuk pergerakan selepas amputasi; (vii) caj dobi; (viii) kos untuk mendapatkan laporan perubatan; dan (ix) kos untuk mendapatkan penzahiran pra-tindakan bagi rekod perubatan; (d) ganti rugi pra-perbicaraan — bayaran ansuran pra-perbicaraan untuk kenderaan tersebut; (e) ganti rugi am masa hadapan: (A) prostesis; (B) keperluan perubatan dan terapi masa depan; (C) ortotik, pengubahsuaian kenderaan, alat bantu sebelah tangan, dan peralatan rumah; dan (D) kos pengambilan pembantu rumah sambilan dan sepenuh masa; (f) kos — bayaran penyediaan guaman bagi prosiding liabiliti dan kuantum, dan belanja hangus yang ditanggung semasa litigasi; dan (g) faedah.

Diputuskan:

(1) Bagi tuntutan kesakitan dan penderitaan dan kehilangan kemudahan hidup, mengambil kira kes-kes duluan yang melibatkan pemotongan anggota atas, seperti *Noorasmawati bt Abu Othman v Kerajaan Malaysia & Ors* [2021] MLJU 2439, dan *Hasniyati bt Hassan & Anor v Kerajaan Malaysia* [2022] 10 MLJ 469, jumlah RM150,000 adalah munasabah dan adil. Ini kerana plaintif yang masih muda (24 tahun pada masa kejadian) dengan prospek kerjaya dalam pasukan polis, mengalami kesakitan teruk dan trauma emosi yang berterusan, dan menghadapi pembedahan tambahan. Jumlah wang yang dicadangkan defendan pertama sebanyak RM100,000 tidak mencukupi untuk penderitaan berterusan plaintif, kehilangan gaya hidup, dan kesan berpanjangan terhadap kesihatan fizikal dan mentalnya. Pemberian jumlah RM150,000 selaras dengan prinsip dalam kes-kes duluan yang dinyatakan, mengiktiraf keterukan dan kesan sepanjang hayat daripada kecederaan plaintif dan pada masa yang sama jumlah tersebut adalah setimpal dan munasabah (lihat perenggan 6–7).

(2) Berhubung dengan tuntutan ganti rugi teruk, mahkamah mendapati

jumlah RM200,000 adalah munasabah memandangkan faktor-faktor unik dalam kes semasa. Plaintif mengalami rasa penderitaan yang bertambah teruk disebabkan oleh tindakan dan peninggalan cuai defendan-defendan. Award ini bukan sahaja memberi pampasan kepada plaintif atas kecederaan tidak ketara yang dialaminya tetapi juga untuk mengiktiraf kesan kelakuan defendan-defendan terhadap maruah dan kesihatan mental plaintif. Berdasarkan kes *Sambaga Valli a/p KR Ponnusamy v Datuk Bandar Kuala Lumpur & Ors and another appeal* [2018] 1 MLJ 784, dan *Dr Hari Krishnan & Anor v Megat Noor Ishak bin Megat Ibrahim & Anor and another appeal* [2018] 3 MLJ 281, pengalaman plaintif adalah sejajar dengan senario-senario di mana mahkamah mendapati bahawa pemberian ganti rugi teruk adalah wajar. Oleh itu, jumlah yang dicadangkan sebanyak RM200,000 adalah wajar, kerana ia mencerminkan keseriusan tindakan defendan-defendan dan akibatnya terhadap kehidupan plaintif (lihat perenggan 11).

(3) Prinsip ganti rugi khas memerlukan plaintif membuktikan kerugian kewangan sebenar yang ditanggung akibat tindakan defendan-defendan tetapi plaintif tidak diharapkan untuk menyimpan rekod terperinci bagi setiap perbelanjaan. Kedua-dua keterangan dokumentar dan lisan boleh digunakan untuk membuktikan tuntutan ini, seperti yang digariskan dalam s 3 Akta Keterangan 1950. Kewajaran juga penting dalam menilai jumlah yang dituntut. Sebagai contoh, perbelanjaan seperti kos perjalanan, bekalan perubatan atau penjagaan yang disediakan oleh ahli keluarga boleh diberikan oleh mahkamah sekadar berpandukan keterangan yang boleh dipercayai sahaja jika jumlah yang dituntut adalah dalam had yang munasabah. Bantahan defendan pertama tentang ketiadaan resit semata-mata, tanpa mempersoalkan kredibiliti keterangan plaintif, adalah tidak mencukupi untuk menolak tuntutan ganti rugi khas. Oleh itu, selagi plaintif memberikan keterangan yang boleh dipercayai, tuntutan tersebut hendaklah diberikan sepenuhnya. Berdasarkan keterangan yang boleh dipercayai yang telah dibuktikan, jumlah yang diberikan oleh mahkamah untuk ganti rugi khas adalah seperti berikut: (a) perbelanjaan hospital dan perubatan — RM1,185; (b) perbelanjaan perjalanan dan penginapan — RM3,000; (c) nilai penjagaan oleh ahli keluarga — RM6,000; (d) kos vitamin, suplemen pemakanan, dan makanan berkhasiat tambahan — RM1,000; (e) kos peralatan dan bekalan perubatan — RM581; (f) bayaran deposit dan ansuran untuk kenderaan Perodua MyVi — RM8,090.70; (g) caj dobi — RM400; (h) kos mendapatkan laporan perubatan — RM164.80; dan (i) kos untuk mendapatkan penzahiran pra-tindakan bagi rekod perubatan — RM6,459.50 (lihat perenggan 12–22).

(4) Berhubung dengan ganti rugi pra-perbicaraan, mahkamah mendapati bahawa keterangan plaintif menunjukkan bahawa kereta tersebut penting untuk menampung ketidakupayaannya. Oleh itu, jumlah

bayaran ansuran pra-perbicaraan bagi kenderaan tersebut hendaklah diberikan secara munasabah berdasarkan keperluan plaintif. Dengan merujuk kepada perjanjian sewa beli, plaintif perlu membayar 108 ansuran sebanyak RM611 sebulan, oleh itu, bayaran genap berjumlah RM24,000 harus diberikan berdasarkan keperluan ini (lihat perenggan 23–24).

(5) Ganti rugi masa hadapan seperti kos untuk rawatan perubatan, terapi, peranti bantuan dan protesis adalah berdasarkan imbangan kebarangkalian tetapi tidak memerlukan plaintif membuktikan kepastian kerugian masa hadapan, peluang atau kemungkinan yang besar adalah mencukupi. Mahkamah memberi tumpuan kepada kewajaran, dengan mengambil kira kadar rawatan awam dan swasta. Mahkamah tidak terikat untuk mengehadkan ganti rugi kepada penjagaan kesihatan yang disediakan oleh kerajaan; plaintif berhak memilih rawatan swasta. Dalam memberikan ganti rugi masa hadapan, mahkamah juga mempertimbangkan jangka hayat dan mengaplikasikan kadar diskaun untuk mengelakkan pampasan yang berlebihan, dengan mengambil kira faktor-faktor seperti inflasi dan keupayaan plaintif untuk melabur bayaran sekaligus tersebut. Kadar diskaun yang lebih rendah (misalnya, 15%) disyorkan dalam kes dengan jangka hayat yang panjang, dengan mengambil kira keadaan ekonomi semasa. Mengambil kira perkara-perkara di atas, award yang diberikan oleh mahkamah untuk ganti rugi masa hadapan adalah seperti berikut: (a) anggota prostesis (mekanikal) — RM180,000; (b) anggota prostesis (mioelektrik) — RM1,787,700; (c) keperluan perubatan dan terapi masa depan — RM10,000; dan (d) ortotik, pengubahsuaian kenderaan, alat bantu sebelah tangan, dan peralatan rumah — RM5,000. Berhubung dengan tuntutan kos pengambilan pembantu rumah, mahkamah mendapati tuntutan ini tidak munasabah kerana kekurangan keterangan terperinci yang menyatakan tugas pembantu rumah semata-mata untuk kepentingan plaintif (lihat perenggan 25–27, 42, 44, 46 & 48).

(6) Selepas mempertimbangkan hujahan daripada kedua-dua pihak dan juga budi bicara mahkamah untuk menentukan kos tanpa memerlukan penilaian terperinci, yang boleh menjimatkan masa dan sumber mahkamah, mahkamah membenarkan kos dalam jumlah RM70,000. Berhubung dengan tuntutan faedah, selepas mempertimbangkan penghujahan dan prinsip yang ditetapkan, mahkamah berpendapat bahawa adalah adil untuk membenarkan faedah pada kadar berikut: 4% setahun atas ganti rugi khas dari 13 Mac 2018 hingga penghakiman, 8% setahun atas ganti rugi am dan teruk dari tarikh penyampaian writ hingga penghakiman, dan 5% setahun atas jumlah penghakiman sehingga pembayaran penuh. Bayaran alokator tidak perlu dibayar (lihat perenggan 50–51).

Cases referred to

Dr Hari Krishnan & Anor v Megat Noor Ishak bin Megat Ibrahim & Anor and another appeal [2018] 3 MLJ 281; [2018] 1 MLRA 535; [2018] 3 CLJ 427; [2018] 1 AMR 209, FC (refd)

Elisabeth Sugirthamalar Alfred (administratrix of the estate of Lilian Nesamalar Alfred) v Tau Jiu See (t/a JS Tan & Co) [1997] 2 MLJ 208; [1996] CLJU 124; [1996] 4 MLRH 32, HC (refd)

Hasniyati bt Hassan & Anor v Kerajaan Malaysia [2022] 10 MLJ 469; [2022] 7 CLJ 565; [2022] 3 AMR 726, HC (refd)

Noorasmawati bt Abu Othman v Kerajaan Malaysia & Ors [2021] MLJU 2439; [2021] CLJU 2028, HC (refd)

Nurul Husna Muhammad Hafiz & Anor v Kerajaan Malaysia & Ors [2014] MLJU 1922; [2015] 1 CLJ 825; [2015] 1 MLRH 234; [2015] 1 PIR 2, HC (refd)

Pantai Medical Centre Sdn Bhd v Fareed Reezal bin Arund (suing through his wife and litigation representative Wan Zafura bt Wan Kassim) and another appeal [2022] 4 MLJ 529; [2022] 2 MLRA 592; [2022] 2 CLJ 173; [2022] 1 AMR 837, CA (refd)

Qi Qiaoxian (claiming as the mother and dependent of Qi Xiangqing, deceased) & Anor v Sunway Putra Hotel Sdn Bhd [2024] MLJU 732, CA (refd)

Rohgetana a/p Mayathevan (an infant suing through his father and litigation representative, Mayathevan a/l Mayandi) v Dr Navin Kumar & Ors and other appeals [2017] 4 MLJ 102; [2017] 3 MLRA 53; [2017] 3 CLJ 311, CA (refd)

Sambaga Valli a/p KR Ponnusamy v Datuk Bandar Kuala Lumpur & Ors and another appeal [2018] 1 MLJ 784; [2018] 3 MLRA 488; [2018] 4 AMR 745; [2017] CLJU 500, CA (refd)

Siti Nora Ashikin bt Mohd Nafi lwn Mohd Badrul Hisham bin Mohd Yaacob dan satu lagi kes [2021] MLJU 1545; [2021] AMEJ 1304, HC (refd)

Sivalingam a/l Periasamy v Periasamy & Anor [1995] 3 MLJ 395; [1995] 2 MLRA 432; [1996] 4 CLJ 545; [1996] 3 AMR 3506, CA (refd)

Legislation referred to

Evidence Act 1950 s 3

Khabir Dhillon (with Ramakrishna Tharini and Dev Sundram) (Ram & Low) for the plaintiff.

Zulyana bt Zollkapli (Senior Federal Counsel, Attorney of General Chambers) for the defendants.

Moses Susayan JC:

BACKGROUND

[1] The plaintiff, Naraayanan Nair a/l Subramaniam, suffered a severe injury resulting in the amputation of his left arm. The injury was sustained during an incident on 13 March 2018. Subsequently, the plaintiff filed a claim for damages against the defendants, alleging negligence and seeking compensation under various heads including general damages, special damages, aggravated damages, future general damages, costs, and interest. On 14 October 2021 *liability was admitted* by the first defendant (the Government of Malaysia), and the claim was discontinued against all other defendants.

WITNESSES

[2] For the plaintiff:

(a) Dr Kavitha Uma Ratnalingam (PW1) — Consultant Rehabilitation Physician, expert witness on the quantum of damages;

(b) Puan Nadzirah Abdul Razak (PW2) — Certified Prosthetist and Orthotist (CPO), expert witness on the quantum of damages;

(c) Mr Ravi s/o Ayavoo (PW3) — the plaintiff's uncle; and

(d) the plaintiff (PW4) — Naraayanan Nair a/l Subramaniam.

[3] For the first defendant:

(a) Dr Abdul Rahman bin Ab Hamid (DW1) — Rehabilitation Physician, expert witness on the quantum of damages.

PAIN AND SUFFERING AND LOSS OF AMENITIES OF LIFE

[4] The plaintiff seeks substantial general damages for pain and suffering and loss of amenities of life ('PSLA'), emphasising significant physical injuries, particularly the amputation of his left arm, resulting in ongoing pain, loss of daily functions, and considerable mental distress from negligent treatment. The plaintiff references *McGregor on Damages* to support a compensation claim of RM300,000. Conversely, the first defendant proposes a lower compensation of RM100,000, citing the revised *Compendium Of Personal Injuries Award*, which benchmarks RM71,500 to RM84,000 for similar injuries. The first defendant also points to an ex-gratia payment of RM100,000 received by the plaintiff, ongoing monthly aid, and precedent cases, such as *Siti Nora Ashikin* and *Muhammad Zulkarnain*, to argue that the current compensation is adequate. While the plaintiff refers to the severe impact and ongoing distress,

the first defendant suggests existing compensations mitigate the need for higher damages.

GENERAL DAMAGES

Pain and suffering and loss of amenities of life

[5] The plaintiff's submission on pain and suffering and loss of amenities of life illustrates the significant physical, emotional, and mental distress endured due to the amputation of his left arm following medical negligence. The plaintiff experiences ongoing stump pain, phantom sensations, and severe emotional distress, including the impact on his career, social life, and daily activities. His evidence, supported by expert witnesses, highlights that these effects have significantly diminished his quality of life.

[6] In contrast, the first defendant proposes an award of RM100,000, relying on the 'Compendium of Personal Injuries Award 2018', which suggests a range between RM71,500 and RM84,000 for a mid-upper arm amputation and cites cases like *Siti Nora Ashikin bt Mohd Nafi lwn Mohd Badrul Hisham bin Mohd Yaacob dan satu lagi kes* [2021] MLJU 1545; [2021] AMEJ 1304, where RM70,000 was awarded for a permanent left-hand paralysis. However, considering precedents involving upper limb amputations, such as *Noorasmawati bt Abu Othman v Kerajaan Malaysia & Ors* [2021] MLJU 2439; [2021] CLJU 2028, where a 40-year-old woman with an above-elbow amputation received RM260,000 and *Hasniyati bt Hassan & Anor v Kerajaan Malaysia* [2022] 10 MLJ 469; [2022] 7 CLJ 565; [2022] 3 AMR 726, where RM350,000 was awarded to a child for an upper limb auto-amputation, a sum of RM150,000 for the plaintiff's case is reasonable and fair. This is because the plaintiff was young (24 years old at the time of the incident) with a promising career in the police force, suffered ongoing severe pain and emotional trauma, and experienced additional surgeries.

[7] The first defendant's proposed sum does not adequately account for the plaintiff's continued suffering, loss of lifestyle, and the lasting impact on his physical and mental health. Awarding RM150,000 aligns with the principles in the cited cases, recognising the severity and lifelong consequences of the plaintiff's injuries while being proportionate and reasonable.

AGGRAVATED DAMAGES

[8] The plaintiff's submission on aggravated damages argues that the negligent conduct of the defendants caused not just physical harm but also emotional distress and psychological impact on the plaintiff's dignity and well-being. The plaintiff endured a prolonged period of suffering, including delays in obtaining crucial medical treatment and a lack of empathy in the

handling of his case, which contributed to his mental anguish. Evidence presented shows that the plaintiff attempted to access his medical records, but the defendants initially refused to provide them, adding to his frustration and distress. Citing the Court of Appeal's decision in *Sambaga Valli a/p KR Ponnusamy v Datuk Bandar Kuala Lumpur & Ors and another appeal* [2018] 1 MLJ 784; [2018] 3 MLRA 488; [2018] 4 AMR 745; [2017] CLJU 500 (refd), the plaintiff submits that aggravated damages are warranted when there is an intangible injury to the plaintiff's personality due to the defendants' conduct. The plaintiff highlights that his sense of injury was exacerbated by the defendants' failure to act promptly and professionally, furthering his mental distress. Additionally, the defendants' refusal to make a voluntary disclosure of medical records without a court order, despite established legal principles advocating for patient rights, serves as an aggravating factor.

[9] The defendants, however, counter that aggravated damages are not warranted, arguing that the conduct involved in this case does not amount to exceptional or contumelious behaviour. The first defendant cites *Nurul Husna Muhammad Hafiz & Anor v Kerajaan Malaysia & Ors* [2014] MLJU 1922; [2015] 1 CLJ 825; [2015] 1 MLRH 234; [2015] 1 PIR 2, where despite the non-disclosure of medical records, the High Court did not award aggravated damages. The first defendant further submits that its admission of liability occurred within a reasonable timeframe and that the failure to disclose records was neither intentional nor malicious, suggesting that the plaintiff was adequately compensated through general and special damages. Additionally, the first defendant references *Hasniyati bt Hassan v Kerajaan Malaysia*, where the court found no basis for aggravated damages due to the absence of elements like malice, insensitivity, or exceptional conduct.

[10] However, the plaintiff's case stands on different grounds. Unlike *Nurul Husna* or *Hasniyati*, the plaintiff here suffered an extraordinary level of distress resulting not just from the physical injury but also from the negligence in the treatment process and the defendants' conduct post-incident. The prolonged delay in medical intervention, the plaintiff's subsequent attempts to retrieve his medical records, and the defendants' refusal to voluntarily disclose these records contributed to his suffering. Furthermore, the plaintiff was not only denied prompt medical care but was subjected to a lack of transparency, which deepened his mental anguish and eroded trust in the healthcare system. The plaintiff's reliance on *Sambaga Valli* is pertinent as it emphasises that aggravated damages are meant to address the intangible injuries and aggravate the sense of loss caused by a defendants' exceptional conduct. In *Dr Hari Krishnan & Anor v Megat Noor Ishak bin Megat Ibrahim & Anor and another appeal* [2018] 3 MLJ 281; [2018] 1 MLRA 535; [2018] 3 CLJ 427; [2018] 1 AMR 209 (refd), the Federal Court affirmed that aggravated damages are appropriate where the conduct of the defendant worsens the injury

experienced by the plaintiff. The plaintiff's sense of injury was undeniably exacerbated by the lack of proper care, transparency, and the resulting distress.

[11] Thus, awarding a sum of RM200,000 in aggravated damages is reasonable given the unique factors in this case. The plaintiff endured a compounded sense of suffering due to the negligent actions and omissions of the defendants. This award would serve not only to compensate the plaintiff for the intangible injuries he suffered but also to acknowledge the impact of the defendants' conduct on his dignity and mental health. In light of *Sambaga Valli* and *Dr Hari Krishnan*, the plaintiff's experience aligns with scenarios where courts have found it just to award aggravated damages. Therefore, the proposed sum of RM200,000 is justified, as it appropriately reflects the seriousness of the defendants' actions and their consequences on the plaintiff's life.

SPECIAL DAMAGES

[12] The principles of special damages require the plaintiff to prove actual pecuniary loss incurred due to the defendants' actions. However, the courts recognise that plaintiff is not expected to keep detailed records of every expense. Both documentary and oral evidence can be used to substantiate these claims, as outlined in s 3 of the Evidence Act 1950. In *Rohgetana a/p Mayathevan (an infant suing through his father and litigation representative, Mayathevan a/l Mayandi) v Dr Navin Kumar & Ors and other appeals* [2017] 4 MLJ 102; [2017] 3 MLRA 53; [2017] 3 CLJ 311, the Court of Appeal affirmed that special damages, once pleaded and particularised, can be proven by oral or documentary evidence, as long as the sums claimed are reasonable and justifiable. This principle was further reinforced in *Nurul Husna*, where the court acknowledged that the absence of receipts does not necessarily negate a claim for special damages.

[13] Furthermore, the courts emphasise the importance of reasonableness in assessing the amounts claimed. For instance, expenses such as travel costs, medical supplies, or care provided by family members can be awarded based on credible testimony alone if the sums claimed are within reasonable limits. The absence of challenge by the first defendant to the plaintiff's oral evidence is determinative, allowing the court to accept the claims as truthful; *Sivalingam a/l Periasamy v Periasamy & Anor* [1995] 3 MLJ 395; [1995] 2 MLRA 432; [1996] 4 CLJ 545; [1996] 3 AMR 3506. Therefore, the first defendant's mere objection based on the lack of receipts, without questioning the credibility of the plaintiff's testimony, is insufficient to disallow a claim for special damages. Hence, as long as the plaintiff provides credible evidence, the claim should be awarded in full.

Hospital and medical expenses

[14] The plaintiff claims RM1,185 for hospital and medical expenses, which includes costs incurred at various stages of treatment. The plaintiff argues that these expenses are recoverable if substantiated with receipts or credible testimony. The first defendant disputes the claim due to a lack of documentary evidence. However, in *Qi Qiaoxian (claiming as the mother and dependent of Qi Xiangqing, deceased) & Anor v Sunway Putra Hotel Sdn Bhd* [2024] MLJU 732 held that special damages can be awarded based on credible testimony alone. If the plaintiff provides evidence, such as receipts or oral testimony, the full sum of RM1,185 should be awarded.

Travelling and accommodation expenses

[15] The plaintiff claims travelling and accommodation expenses, including trips to hospitals and clinics, calculated based on mileage incurred during treatment. The first defendant disputes the claim due to the absence of receipts. However, under *Qi Qiaoxian (claiming as the mother and dependent of Qi Xiangqing, deceased) & Anor v Sunway Putra Hotel Sdn Bhd*, the Court of Appeal held that special damages could be awarded based solely on credible oral testimony. The plaintiff's detailed account of the trips and the reasonable sums claimed provides sufficient proof. Therefore, a fair award of RM3,000 for travelling and accommodation expenses should be granted, recognising the practical difficulties in retaining every receipt.

Value of care by family members

[16] The plaintiff claims for the 'value of care by family members' at RM18,000 (quantified based on commercial caregiver rates). The first defendant disputes this, arguing that the plaintiff was not bedridden and could care for himself. However, the plaintiff has shown that he required extensive assistance during the initial six months post-amputation, including daily activities like dressing, toileting, and cleaning. In *Nurul Husna Muhammad Hafiz & Anor v Kerajaan Malaysia & Ors*, the High Court recognised that special damages for care provided by family members could be compensated even without precise receipts. Thus, given the extensive nature of care, a reasonable award of RM6,000 is justified.

Cost of vitamins, nutritional supplements, and extra-nourishing food

[17] The plaintiff claims the cost of vitamins, nutritional supplements, and extra-nourishing food, essential for recovery post-amputation. The first defendant disputes this due to the lack of receipts and medical prescriptions. However, in *Nurul Husna Muhammad Hafiz & Anor v Kerajaan Malaysia & Ors*, the High Court awarded damages for similar costs, recognising that such expenses are common and reasonable for recovery, even without strict documentary evidence. Given the plaintiff's situation and recovery needs, a

reasonable sum of RM1,000 should be awarded for these costs.

Cost of medical equipment and supplies

[18] The plaintiff claims RM581.50 for the cost of medical equipment and supplies, substantiated with receipts. The first defendant challenges this claim, focusing on the necessity and reasonableness of these expenses. However, in *Nurul Husna Muhammad Hafiz & Anor v Kerajaan Malaysia & Ors*, the High Court recognised that special damages for actual out-of-pocket expenses should be awarded when supported by receipts. Therefore, since the plaintiff has provided the necessary documentation, the full sum of RM581.50 should be granted.

Deposit and instalment payments for Perodua Myvi vehicle

[19] The plaintiff claims deposit and instalment payments for the Perodua Myvi vehicle, arguing that it was essential for mobility post-amputation. The first defendant disputes this claim, suggesting that the purchase occurred two years after the injury and that the plaintiff could have opted for a more affordable, disabled-friendly motorcycle. However, the plaintiff provided evidence showing that the vehicle was necessary for his day-to-day activities and to accommodate his disability. In *Nurul Husna Muhammad Hafiz & Anor v Kerajaan Malaysia & Ors*, the High Court acknowledged that expenses for mobility and transportation post-injury are recoverable as special damages if necessary and reasonable. The plaintiff's evidence indicates that the Myvi vehicle was used primarily to meet his mobility needs, not for luxury or profit. Therefore, based on the necessity of maintaining his independence and daily activities, the plaintiff should be awarded this claim, taking into account reasonable costs RM5,035.70 (downpayment) + (RM611 x 5 (instalment payment for five months)) = RM8,090.70.

Laundrette charges

[20] The plaintiff claims laundrette charges due to his inability to manage personal laundry post-amputation. The first defendant disputes this claim, arguing the lack of specific receipts. However, in *Qi Qiaoxian (claiming as the mother and dependent of Qi Xiangqing, deceased) & Anor v Sunway Putra Hotel Sdn Bhd*, the Court of Appeal held that special damages could be awarded based on credible oral testimony, even without documentary evidence. Given the plaintiff's limitations during recovery and the reasonable nature of the claim, a sum of RM400 for laundrette charges should be awarded.

Cost of obtaining a medical report

[21] The plaintiff's claim for this expenses is allowed as receipts are provided for the sum of RM164.80.

Costs of obtaining pre-action discovery of medical records

[22] The plaintiff claims costs for obtaining pre-action discovery of medical records. The first defendant disputes this claim. However, in *Nurul Husna Muhammad Hafiz & Anor v Kerajaan Malaysia & Ors*, the court affirmed that such costs are recoverable when necessary to pursue the claim. Therefore, the plaintiff is awarded the sum of RM6,459.50, which was offered by the first defendant and is deemed reasonable.

PRE-TRIAL DAMAGES

[23] The plaintiff claims pre-trial instalment payments for a Perodua Myvi vehicle, arguing it was necessary for daily mobility post-amputation. The first defendant disputes this, suggesting the purchase was unnecessary and could have been replaced by a more affordable mode of transport. However, the plaintiff's evidence shows that the car was essential to accommodate his disability. In *Qi Qiaoxian (claiming as the mother and dependent of Qi Xiangqing, deceased) & Anor v Sunway Putra Hotel Sdn Bhd*, the Court of Appeal affirmed that credible oral testimony could support such claims for special damages. Thus, the sum for the vehicle's pre-trial instalment payments should be reasonably awarded based on the plaintiff's needs.

[24] The plaintiff claims pre-trial instalment payments for a Perodua Myvi vehicle are necessary for mobility post-amputation. The first defendant disputes this, suggesting the purchase was unnecessary and could have been replaced by a more affordable mode of transport. By reference to the hire purchase agreement, the plaintiff is to pay 108 instalments of RM611 per month. Citing *Qi Qiaoxian (claiming as the mother and dependent of Qi Xiangqing, deceased) & Anor v Sunway Putra Hotel Sdn Bhd*, where credible oral testimony supported special damages, a sum which is a round figure of RM24,000 should be awarded based on this necessity.

FUTURE GENERAL DAMAGES

[25] The law on future general damages requires assessing a plaintiff's future needs at the time of the judgment, as damages are awarded on a once-and-for-all basis. Courts must predict future needs without the possibility of reassessment, often resulting in either over-compensation or under-compensation. The benefit of the doubt should lean toward the plaintiff, the victim of the tort. Future damages are based on a balance of probabilities but do not require the plaintiff to prove certainty of future loss; a substantial chance or possibility is sufficient.

[26] Future damages in personal injury cases can include costs for medical care, therapies, aid devices, and prostheses. The courts focus on reasonableness, considering both public and private treatment rates. Courts are not bound to limit damages to government-provided healthcare; the plaintiff is entitled to opt for private treatment. In awarding future damages, courts also take into account life expectancy and apply a discount rate to avoid overcompensation, considering factors such as inflation and the plaintiff's ability to invest the lump-sum payment.

[27] The recent case of *Pantai Medical Centre Sdn Bhd v Fareed Reezal bin Arund (suing through his wife and litigation representative Wan Zafura bt Wan Kassim) and another appeal* [2022] 4 MLJ 529; [2022] 2 MLRA 592; [2022] 2 CLJ 173; [2022] 1 AMR 837 (refd) indicates that the discount rate is not fixed, allowing flexibility in its application. A lower discount rate (eg, 15%) is recommended in cases with a long-life expectancy, considering prevailing economic conditions.

PROSTHESIS

The plaintiff's submission

[28] The plaintiff was presented with several prosthetic options for his upper limb amputation. These included a fully body-powered (mechanical) prosthesis, which uses the patient's muscles to move the prosthetic components through a series of cables. Another option was a hybrid prosthesis, which consists of a mechanical elbow paired with a myoelectric hand. This hybrid prosthesis uses electronic signals generated by the patient's muscles to control the movement of the prosthetic hand. The most advanced option was a myoelectric-bionic prosthesis featuring both a myoelectric elbow and a bionic hand. This type of prosthesis offers more complex functionality, including individual finger movements, providing the closest experience to a natural limb.

[29] Dr Kavitha, the plaintiff's rehabilitation expert, recommended a dual prosthesis approach. She advised the plaintiff to use a fully body-powered prosthesis for situations that might expose the prosthesis to elements like water or dirt, such as hiking. The mechanical prosthesis is durable and does not require the delicate handling for myoelectric components. For finer motor functions, such as those required in office settings, Dr Kavitha recommended a hybrid prosthesis, specifically with a mechanical elbow and a myoelectric or bionic hand. This recommendation was based on her assessment of the plaintiff's daily activities and the need for functionality and durability in different scenarios.

[30] The recommended myoelectric prosthesis has both advantages and disadvantages. It allows for smoother and more natural movements compared to a fully mechanical prosthesis and requires less physical effort. However, it demands significant training to use effectively, and it cannot be exposed to water or extreme environmental elements. Additionally, the myoelectric prosthesis comes with a higher cost. Despite these drawbacks, the bionic components, especially the hand, can significantly improve the plaintiff's ability to perform daily tasks. Dr Kavitha emphasised the need for comprehensive training, which the plaintiff has expressed willingness to undergo. The cost considerations for acquiring the prosthesis include the initial purchase, potential repairs, and the need for replacements every few years to maintain functionality.

[31] The plaintiff's prosthetic options come with varying costs, largely dependent on the complexity and type of the prosthesis. The fully body-powered (mechanical) prosthesis is estimated to cost around RM15,000, with a replacement rate every three years. This prosthesis is more durable and suitable for physical activities but offers limited functionality. Dr Kavitha, the plaintiff's expert, recommended including this mechanical prosthesis in a dual approach because of its suitability for outdoor and rugged use. Given the once-and-for-all system of assessing damages, Dr Kavitha suggested adopting a three-year replacement cycle, resulting in an estimated lifetime cost of RM180,000 (including initial purchase and replacements over the plaintiff's estimated life expectancy).

[32] The myoelectric-bionic prosthesis offers advanced functionality with a myoelectric elbow and bionic hand and comes at a significantly higher cost. The detailed breakdown provided by the plaintiff's prosthetic expert, Puan Nadzirah, estimated a lifetime cost of RM5,580,301.07 over a period of 44.7 years. However, considering the passage of time since the estimate was made, this amount was revised to an average annual cost of RM124,838.95. With the proposed multiplier of 36 years, the estimated lifetime cost for the myoelectric-bionic prosthesis is approximately RM4,494,202.20. This cost includes the purchase, periodic replacements, and training required for the use of the advanced prosthetic components. Dr Kavitha and other experts agree that the higher cost is justified by the transformative impact the prosthesis would have on the plaintiff's quality of life and functionality, particularly given his young age and long-term needs.

The defendant's submission

[33] The first defendant disagrees with the plaintiff's proposal for a myoelectric-bionic prosthesis, viewing it as an unnecessary and excessive expense. They argue that the plaintiff is attempting to secure a more advanced

A and costly prosthetic device than what is reasonably required to address his functional needs. The first defendant emphasise that damages in personal injury cases are to provide fair compensation, not to enrich the plaintiff. They contend that the plaintiff should be restored to a condition closely resembling his state before the injury without resulting a financially advantageous
B outcome.

[34] Furthermore, the first defendant argues that a mechanical prosthesis, which is less complex and more affordable than the myoelectric-bionic alternative, would suffice to address the plaintiff's daily activities and mobility
C requirements. They question the necessity of the more sophisticated myoelectric-bionic components, suggesting that the plaintiff can adapt to a simpler prosthetic. The first defendant also implies that the costs associated with training to use a myoelectric-bionic prosthesis, along with regular
D maintenance and replacements would be disproportionate.

[35] Further, the first defendant raises concerns about the plaintiff's duty to mitigate damages. They argue that the plaintiff should seek the most cost-effective solution that meets his basic needs rather than opting for an
E expensive option that exceeds what is reasonably necessary. By proposing a mechanical prosthesis as an alternative, the first defendant asserts that the plaintiff could achieve functional restoration without imposing an excessive financial burden on the first defendant.

F **[36]** The first defendant further questions the plaintiff's interest and commitment to using a prosthesis, referencing his past behaviour. They note that the plaintiff did not demonstrate a keen interest in utilising the previously provided prothesis, suggesting that his desire for a more sophisticated prosthetic might not align with his actual usage habits. The first defendant
G implies that providing a costly myoelectric-bionic prosthesis may not be practical if the plaintiff is not committed to using it regularly, raising concerns about whether such an expense would be justified.

[37] Moreover, the first defendant argues that a myoelectric-bionic
H prosthesis comes with many limitations and restrictions that could impede its practicality. For example, they point out that the bionic hand is sensitive to environmental factors; it cannot be exposed to water, fire, or extreme conditions, limiting its use in everyday activities. The first defendant suggests that, given these constraints, the mechanical prosthesis would be a more
I durable and functional choice for the plaintiff's lifestyle, particularly for activities where exposure to water or rugged environments is a possibility. This reinforces their stance that the proposed myoelectric-bionic prosthesis is not a reasonable expense, as the more straightforward mechanical option would meet the plaintiff's needs without imposing an excessive financial burden.

FINDINGS BY THE COURT ON PROSTHESIS

Dual prosthesis

[38] The necessity for dual prostheses, involving both a mechanical and an electrically powered prosthesis, has been acknowledged by expert witnesses representing both the plaintiff and the first defendant. This agreement reflects a comprehensive approach to addressing the plaintiff's functional limitations following the amputation of his left upper limb. The mechanical prosthesis, often lighter and more durable, serves as a reliable option for high-demand tasks, while the electrically powered prosthesis, equipped with advanced motorised functionality, ensures precision and enhanced mobility for intricate movements. Such a combination maximises the plaintiff's ability to regain independence in daily activities and aligns with rehabilitation goals that prioritise both utility and comfort. This dual prostheses approach was awarded in *Hasniyati bt Hassan*, where the court acknowledged the necessity of dual prostheses to address the functional requirements of an amputee adequately.

[39] The cost of a mechanical prosthesis, as estimated by Dr Kavitha, is RM15,000 per unit, with a replacement required every three years. Using a multiplier of 36 years, the plaintiff would require 11 replacements, resulting in a total lifetime cost of RM180,000. This calculation emphasises the necessity of providing fair compensation for the plaintiff's dual prostheses, ensuring his quality of life and ability to reintegrate socially and professionally while effectively meeting occupational and lifestyle demands.

Electrically powered prosthesis

[40] The court carefully reviewed both parties' submissions regarding an electrically powered prosthesis. The plaintiff argued for a myoelectric-bionic prosthesis, which he believes would best restore his ability to function normally. However, the first defendant viewed this option as excessive and unnecessary, highlighting its high cost and the plaintiff's inconsistent use of prostheses in the past.

[41] Considering the plaintiff's challenges in adapting to past prosthetic devices, the court found that awarding damages for the sophisticated myoelectric-bionic prosthesis would not be practical. Instead, the first defendant's proposal for a less advanced yet functional prosthesis costing RM118,980, with replacements every three years (totalling RM1,784,700 over 43 years), was deemed more appropriate.

[42] The court awards the plaintiff damages for dual prostheses comprising a mechanical prosthesis at RM15,000 per unit, with replacements every three

years, amounting to RM180,000 over 36 years. For the electrically powered prosthesis, the court adopts the first defendant's proposal of a prosthesis costing RM118,980, with replacements every three years, totalling RM1,784,700 over the plaintiff's 43-year life expectancy. This decision ensures practical solutions balancing functionality and cost while effectively addressing the plaintiff's needs.

Future medical and therapy needs

[43] The plaintiff claims a total sum for future medical and therapy needs, including medical consultations, psychology consultations, physiotherapy, and occupational therapy, as outlined in Dr Kavitha's expert report. The plaintiff's counsel adopted the upper limit of the estimated costs, arguing that the benefit of the doubt should be given to the plaintiff as the victim. However, the first defendant contests some of these claims, arguing that they are excessive.

[44] For example, regarding the medication Celebrex 200mg, the first defendant points out that the prescription is on a 'when needed' basis. They argue it is unreasonable for the plaintiff to claim a lifetime cost, as Dr Kavitha confirmed that the plaintiff currently does not need Celebrex. Similarly, for the steroid injections prescribed for joint osteoarthritis, the defendants propose a reasonable sum of RM900, as the prescription notes indicate a maximum of three injections per joint. Balancing these considerations, a reasonable sum of RM10,000 is awarded for the plaintiff's medical and therapy needs, taking into account both the necessity of future treatments and cost limitations.

Orthotics, vehicle modifications, one-handed aids, and home equipment

[45] The plaintiff claims costs for orthotics, vehicle modifications, one-handed aids, and home equipment to support his daily activities post-injury. The first defendant, however, argues that the plaintiff is not currently using any orthotics (splints), and Dr Kavitha (PW1) agreed that if needed, the splints could be obtained through the Public Services Department as the plaintiff is a public servant. Therefore, the first defendant submits that this claim should be rejected. Regarding other aids and home equipment such as a washing machine, dryer, dishwasher, food processor, and electronic bidet toilet seat, the first defendant contends that the plaintiff failed to provide receipts proving the costs and argues that these items are standard in most households. The plaintiff currently resides with his mother, suggesting there is no need to claim these costs as they could be used by other family members.

[46] Despite the first defendant's arguments, it is essential to consider the plaintiff's need for adaptive equipment to facilitate his daily living and independence. Therefore, a reasonable sum of RM5,000 should be awarded to

the plaintiff to cover the essential modifications and equipment that support his physical limitations, ensuring a basic level of independence.

Cost of hiring part-time and full-time maids

[47] The plaintiff claims the cost of hiring part-time and full-time maids to assist with daily activities, arguing that this would alleviate the burden on his family members. However, the first defendant submits that this claim should be rejected as PW1 failed to provide any invoices or quotations to support the cost of hiring maids. Additionally, PW3's statement indicates a desire for a maid to help not just the plaintiff but also his family, which implies that the maid's services would benefit others in the household, not solely the plaintiff. The first defendant argues that it is unreasonable for them to bear the cost of a maid used by the entire family, making the claim excessive and unjustifiable.

[48] The first defendant refers to *Hasniyati bt Hassan & Anor v Kerajaan Malaysia*, where the High Court in Penang rejected the claim for the future cost of maids, deeming it unreasonable and not proven on a balance of probabilities. The court, in that case, emphasised that an award for the cost of maids should not be excessive. Based on this precedent and the lack of detailed evidence specifying the maid's tasks solely for the plaintiff's benefit, the claim for maid costs is not reasonable. Therefore, the court favours the first defendant's submission and rejects this claim.

COSTS

[49] The plaintiff seeks an award for the getting-up fee for liability and quantum proceedings, along with out-of-pocket expenses incurred during the litigation. The plaintiff argues that these costs are necessary due to the extensive preparation required to handle the case, which involved multiple witnesses and significant effort. A sum of RM208,594.14 is requested to fairly compensate for the work undertaken in pursuing justice.

[50] The first defendant, however, proposes that a reasonable amount for the total costs, including out-of-pocket expenses and getting-up fees, should be RM60,000. In support, the first defendant cites *Elisabeth Sugirthamalar Alfred (administratrix of the estate of Lilian Nesamalar Alfred) v Tau Jiu See (t/a JS Tan & Co)* [1997] 2 MLJ 208; [1996] CLJU 124; [1996] 4 MLRH 32, which emphasises that costs should not be excessive and should only cover what is necessary for conducting the litigation. Extravagant or non-essential expenses should not be passed on to the losing party. After considering both submissions and the court's discretion to determine costs without needing a detailed assessment, which can save time and resources, I award costs in the amount of RM70,000.

INTEREST

[51] Therefore, considering the submissions and established legal principles, it is just to award interest at the following rates: 4%pa on special damages from 13 March 2018 to judgment, 8%pa on general and aggravated damages from the writ's service date to judgment, and 5%pa on the judgment sum until full payment. Allocator fee is not payable.

Table of award by court:

No	Item	Award by Court (RM)
(a) General Damages		
1	Pain and suffering and loss of amenities of life	150,000
(b) Aggravated Damages		
1	Aggravated Damages	200,000
(c) Special Damages		
1	Hospital and medical expenses	1185
2	Travelling and accommodation expenses	3,000
3	Value of care by family members	6,000
4	Cost of vitamins, nutritional supplements, and extra-nourishing food	1,000
5	Cost of medical equipment and supplies	581
6	Deposit and installment payments for Perodua MyVi vehicle	8,090.70
7	Laundrette charges	400
8	Cost of obtaining medical reports	164.80
9	Costs of obtaining pre-action discovery of medical records	6,459.50
(d) Pre-trial Damages		
1	Instalment payments for vehicle	24,000
(e) Future General Damages		
1	prosthesis limb (mechanical)	180,000
2	prosthesis limb (myoelectric)	1,787,700

3	Medical consultations	Item 3–8= 10,000
4	Psychologist consultations	
5	Physiotherapy	
6	Occupational therapy	
7	Celebrex (pain medication)	
8	Steroid injections	
9	Orthotics	Item 9–14 5,000
10	Modifications to car for one-handed driving	
11	One-handed aids	
12	Home appliances	
13	Electronic bidet toilet	
14	Home modifications	
15	Cost of full-time maid	Nil
16	Cost of part-time maid	Nil
(f) Costs		
1	Getting-up fee for liability and quantum proceedings	Item 1–2 70,000
2	Out-of-pocket expenses	
(g) Interest		
1	Interest on Special Damages and Pre-Trial Damages from date of incident to date of judgment	4%
2	Interest on General Damages for Pain and Suffering and Loss of Amenities of Life and Aggravated Damages from date of service of Writ to date of judgment	8%
3	Interest on judgment sum from date of judgment up to date of full payment	5%

Order accordingly.

Reported by Dzulqarnain Ab Fatar